

TO: All Reporters and Their Editors

FROM: Janet Bancroft, Public Information Officer

In order for both journalists and judges to maintain integrity and fairness in the eyes of the public, it is important that each preserve the trust of the public in their day-to-day work.

A concern that I regularly hear from judges is that they are called and asked to comment on pending cases; some called at work, some called after hours at their home.

To clarify the issue, judges are bound by a code of conduct and are not allowed to answer reporters' questions on anything other than procedural matters. If judges answer questions for a news story in a pending case, it may make some readers question whether the judge has made up his/her mind on certain aspects of the case, which undermines the public trust in our system of justice. The position of a judge is to serve as a neutral fact finder, not an advocate for one position or another. Judges must not 'pre-judge' any case that comes before them.

Our system of law relies on the neutrality of the judge, which is why the judges' Code of Judicial Conduct forbids them from answering questions regarding a pending case. Any comments about a case pending before the commenting judge may:

- Give the appearance that the judge has already decided the case, casting doubt on the judge's objectivity and willingness to reserve judgment until the close of the proceeding, or
- Unduly influence or appear to unduly influence the jury.

The code also applies when a case is seemingly completed, given that there is always the possibility of an appeal to the Court of Appeals and then to the Supreme Court.

When covering a case, please remember that judges and court staff are not able to respond to questions about specifics of a case, so please do not put them in the position of saying "no comment" any time they see you. Reporting that a judge "didn't return phone calls" or "refused to comment" does not serve the public well, given that the vast majority of readers are not familiar with the judges' code of conduct.

While judges appreciate the role of journalists in serving the public interest and in keeping the public informed, they have an obligation to avoid comment in accordance with their ethical limitations. The courthouse staff is also bound by the same code.

Everyone's goal is to see that justice is served; however, judges and court staff are not free to discuss the details or voice a personal opinion.

For further information, I have created related links on our Judicial Branch Web site at www.supremecourt.ne.gov under "For the Press" titled "Judges Limitations on Public Comment."